

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

DOMINICK A. GRAVES,

Plaintiff,

vs.

CARRIAGE PARK VILLAS, *et al.*,

Defendants.

2:11-cv-0242 JCM (PAL)

**ORDER**

Presently before the court is defendant Carriage Park Villa's motion to dismiss plaintiff's complaint. (Doc. #10). Defendant Adobe Villas filed a joinder to the motion to dismiss. (Doc. #14). To date, no response has been filed by the plaintiff, and on March 7, 2011, the court received a notice that mail to the plaintiff had been returned as undeliverable. (Doc. #9).

Pursuant to Local Rule 7-2(b), an opposing party's failure to file a timely response to any motion constitutes the party's consent to the granting of the motion and is proper grounds for dismissal. *U.S. v. Warren*, 601 F.2d 471, 474 (9th Cir. 1979). However, prior to dismissal, the district court is required to weigh several factors: "(1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases of their merits; and (5) the availability of less drastic sanctions." *Ghazali v. Moran*,

1 46 F.3d 52, 53 (9th Cir. 1995).

2 In light of the plaintiff's failure to respond and weighing the factors identified in *Ghazali*, the  
3 court finds dismissal appropriate. Furthermore, plaintiff has failed to abide by his duty to update the  
4 court as to any changes in address. *See* LSR 2-2 ("The plaintiff shall immediately file with the court  
5 written notification of any change of address.").

6 Accordingly,

7 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendants's motion to dismiss  
8 (doc. #10) is GRANTED. The case is hereby dismissed as to defendants Carriage Park Villas and Adobe  
9 Villas.

10 DATED this 12<sup>th</sup> day of April, 2011.

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14 UNITED STATES DISTRICT JUDGE  
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